



213 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7656-2024
Date of decision: 17.05.2024

BHOM SINGH AND OTHERSPETITIONERS

Versus

STATE OF HARYANA AND ANOTHERRESPONDENTS

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. Ravinder Banger, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana .

Mr. Naveen Chopra, Advocate
for respondent No. 2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 44 dated 26.07.2016 registered under Sections 323/406/498-A/506 & 120-B of Indian Penal Code at Police Station Women Police Station, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 07.02.2024 (Annexure P-2).

2. The following order was passed on 18.03.2024:-

“CRM-11768-2024

This is an application for preponement of the date of hearing fixed in the main petition i.e. 17.5.2024.

Notice of this application.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana accepts notice of the application and states that he has no objection in case the application is allowed.



Accordingly, the application is allowed and the main petition fixed for 17.5.2024 is preponed for today and taken on board.

CRM-M-7656-2024

On 13.02.2024, the following order was passed by this Court:-

"Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.44 dated 26.7.2016 (Annexure P-1) registered under Sections 323, 406, 498-4, 506 and 120-B IPC at Women Police Station, District Panchkula and all the consequential proceedings arising therefrom on the basis of compromise dated 07.2.2024 (Annexure P-2) effected between the parties.

Learned counsel for the petitioners, inter alia, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner No.1 is the father-in-law, petitioner No.2 is the husband and petitioner No.3 is the mother-in-law of the complainant/respondent No.2 herein. It is submitted that marriage of the petitioner No.2 with complainant/respondent No.2 was solemnized on 07.12.2012 and one male child was born out of the said wedlock on 17.12.2023. Both the parties are residing separately since December 2015. Now, in order to live peacefully, parties have entered into compromise dated 07.2.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Further, it is submitted that initially, 04 persons were named in the FIR, however, challan has been filed only against the present three petitioners. It is further submitted that the petitioners have never been declared as proclaimed offenders.

Notice of motion for 17.5.2024.

On the asking of Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana, accepts notice on behalf of respondent No.1-State and does not dispute the submissions of learned counsel for the petitioner."

Mr. Naveen Chopra, Advocate has put in appearance and filed Power of Attorney on behalf of respondent No.2. The same is taken on record.

Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioners on 13.2.2024

before this Court and the factum of compromise effected between the parties.

In view of the above, the parties are directed to appear before the trial Court/Ilaqa Magistrate for



recording their statements with regard to the compromise dated 07.2.2024 (Annexure P-2) on 03.4.2024 or any other date convenient to the learned trial Court/Illaq Magistrate, by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 17.5.2024 containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court."

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63 and Full Bench of this Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 44 dated 26.07.2016 registered under Sections 323/406/498-A/506 & 120-B of Indian Penal Code at Police Station Women Police Station, District Panchkula (Annexure P-1) and compromise dated 07.02.2024, all subsequent proceedings arising out of the same are quashed, qua the

petitioners.

5. A demand draft of Rs. 1,50,000/- out of total amount of Rs. 6,00,000/- is handed over to the learned counsel for respondent No.2 by learned counsel for the petitioners. Copy thereof has been retained on the file as a token of receipt of demand draft.

17.05.2024
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(HARPREET SINGH BRAR)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |